

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 32-49 are pending in the present application. Claims 25-31 are cancelled without prejudice and Claims 32-49 are added by the present amendment.

In the outstanding Office Action, Claims 25-31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kamiguchi et al. (U.S. Patent Application No. 2002/0048128 A1, herein "Kamiguchi '128") in view of Yoshikawa et al. (Japanese Patent No. 11-154609 A, herein "Yoshikawa"); Claims 25-31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kamiguchi et al. (U.S. Patent Application No. 2002/0051380 A1, herein "Kamiguchi '380") in view of Yoshikawa; and Claims 25-31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dykes et al. (U.S. Patent No. 5,668,688, herein "Dykes") in view of Iwasaki et al. (U.S. Patent No. 6,159,593, herein "Iwasaki") and Yoshikawa.

New Claims 32-49 include features of the claims already presented in this application. More specifically, independent Claim 32 includes features of original Claim 4, Claim 33 includes features of Claim 25, Claims 34-39 include features of Claims 26-31, respectively, Claim 40 finds support in the specification at page 28, lines 21-24, Claim 41 includes features of Claim 7, and Claims 42-49 are similar to new Claims 33-40, respectively. No new matter is believed to be added.

Applicants respectfully submit that the outstanding rejections on the merits are moot because Claims 25-31 have been cancelled. However, the applied art will be discussed regarding new Claims 32-49.

Briefly recapitulating, new independent Claims 32 and 41 are directed to a magnetoresistive device having a magnetization pinned layer with a magnetization direction

substantially pinned to one direction, a magnetization free layer with a magnetization direction that changes in accordance with an external magnetic field, a nonmagnetic intermediate layer formed between the magnetization pinned layer and the magnetization free layer, and electrodes configured to allow a sense current to flow in a direction substantially perpendicular to a plane of a stack including the magnetization pinned layer, the nonmagnetic intermediate layer, and the magnetization free layer. Further, at least one of the magnetization pinned layer and the magnetization free layer has a ferromagnetic layer including an alloy and the alloy has a body-centered cubic crystal structure. While independent Claim 32 recites that the alloy is represented by formula $\text{Fe}_{100-a}\text{Co}_a$, with $0\% \leq a \leq 80\%$, independent Claim 41 recites that the alloy is represented by formula $(\text{Fe}_{(100-a)/100}\text{Co}_{a/100})_{100-x}\text{M}_x$, with $0\% \leq a \leq 80\%$, $0.1\% \leq x \leq 20\%$, and M being at least one element selected from the group consisting of Mn, Cu, Re, Ru, Pd, Pt, Ag, Au and Al.

None of the applied art teaches or suggests the features of independent Claims 32 and 41. Accordingly, it is respectfully submitted that independent Claims 32 and 41 and each of the claims depending therefrom patentably distinguish over the applied art.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

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